

## REMARKS

In order to more clearly avoid the prior art, independent claims 27 and 30 have been amended, and new claims 33-35 are presented. Reconsideration and allowance of the application as amended are respectfully requested.

The present invention concerns a novel gaming device and method in which a gaming terminal is configured for playing at least a first game. A reader is provided for receiving data from a data storage device carried by the game player. A button is provided for pressing by a game player as part of the game. A biometric device is provided for measuring biometric data of the game player by sensing the biometric data directly through the button as it is pressed by the game player.

The gaming terminal carries a comparator. The comparator compares the parameters of the game player's biometric data that is sensed through the button with biometric data parameters that are **directly obtained from the data storage device that is carried by the player. This comparison is accomplished without involving a remote access data base in the comparison.**

In one embodiment of the invention, as pointed out in claims 33 and 35, in the event that the game player's biometric data parameters that is sensed through the button do not match the biometric data parameters directly obtained from the data storage device, the game player's biometric data is stored in a remote access database. On the other hand, as pointed out in claim 35, in the event that the game player's biometric data sensed through the button does match with the biometric data parameters directly obtained from the data storage device, the biometric data is not stored in a remote access database.

All of the claims now very clearly distinguish applicant's invention from the Bradford et al. patent. A careful study of Bradford et al. shows that the smart card carried by the player in Bradford et al. does not itself contain biometric data. Instead, it contains information concerning the player that links the player to a casino's central computer that stores the player's biometric information. Thus, the fingerprint applied by the player through the push button is not compared with biometric data directly obtained from the smart card without involving a remote access database in the comparison (as claimed herein) but is instead compared with data stored on the casino's central computer. That is a major and patentable difference. While Bradford et al. teaches comparing the biometric data sensed through the button with biometric data on a casino's central computer, the claims of the present application make it clear that in applicant's invention, the biometric data sensed through the button is compared with biometric data directly obtained from the data storage device without involving a remote access database in the comparison.

Apparently the Examiner recognizes this by pointing out, on page 4 of the Office Action, that the player carries a voucher ID which is linked to the casino's system of stored biometrics. As the Examiner points out, the gaming device then compares the supplied fingerprint to the data stored on the casino's biometric storage. As indicated above, this is a major difference between Bradford et al.'s disclosure and the present invention. Of most significance is the fact that the Bradford et al.'s system, in which there is biometric storage on the casino's central computer, is exactly what the present invention is intended to avoid. Applicant considers the need to compare the player's fingerprint with biometric data that has been stored on a remote access database to be

detrimental in that many game players do not want their biometric information to be stored on any database.

Perhaps applicant's claims prior to this amendment used language that did not fully clarify the distinction between applicant's invention and the Bradford et al. patent. However, it is believed that the amendments to the claims make it absolutely clear that applicant's invention avoids the involvement of a remote access database for the comparison of the biometric data sensed through the button.

In view of the amendments to the claims which clearly distinguish applicant's invention from the prior art, it is submitted that the application is now in condition for allowance and an early Notice of Allowance is respectfully requested.

If for some reason the Examiner does not believe that the claims are in condition for allowance, he is requested to telephone counsel for applicant directly at (312) 460-5567.

Respectfully submitted,  
SEYFARTH SHAW LLP

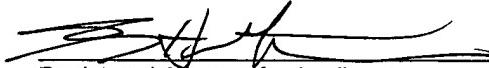


George H. Gerstman  
Registration No. 22,419  
Attorney for Applicant

SEYFARTH SHAW LLP  
131 So. Dearborn Street, Suite 2400  
Chicago, Illinois 60603  
(312) 460-5567

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Registered Attorney for Applicant  
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